

These are the tentative rulings for civil law and motion matters set for Tuesday, December 4, 2018, at 1:30 p.m. of the **TAHOE DIVISION** (Department 14) of the Placer County Superior Court. The tentative ruling will be the court's final ruling unless notice of appearance and request for oral argument are given to all parties and the court by 4:00 p.m., Monday, December 3, 2018. Notice of request for oral argument to the court must be made by calling (530) 584-3463. Requests for oral argument made by any other method will not be accepted. Prevailing parties are required to submit orders after hearing to the court within 10 court days of the scheduled hearing date, and after approval as to form by opposing counsel. Court reporters are not provided by the court. Parties may provide a court reporter at their own expense.

EXCEPT AS OTHERWISE NOTED, THESE TENTATIVE RULINGS ARE ISSUED BY COMMISSIONER TRILLA BAHRKE AND IF ORAL ARGUMENT IS REQUESTED, ORAL ARGUMENT WILL BE HEARD IN DEPARTMENT 14, LOCATED AT 2501 N. LAKE BLVD., TAHOE CITY, CALIFORNIA.

1. T-CV-0002152 Ozark Development LLC v. Foster

Appearance is required for hearing on defendant's motion to vacate judgment.
Defendant's motion to vacate judgment is denied.

Defendant's argument that his failure to put on evidence at trial warrants relief under C.C.P. § 473(b) is not persuasive. The mere failure to offer evidence at trial by a party is not excusable neglect, and defendant has not identified any mistake of law or fact that caused him to withhold said evidence.

Even if the court were to find that failing to put on evidence at trial were a sufficient mistake or excusable neglect, the motion would still be denied. The unlawful detainer resulted from holding over after July 1, a period for which the court found defendant had no lease, no matter whether rent for May and June 2018 had been paid.

These are the tentative rulings for civil law and motion matters set for Tuesday, December 4, 2013, at 1:30 p.m. in the **TAHOE DIVISION** (Department 14) of the Placer County Superior Court. The tentative ruling will be the court's final ruling unless notice of appearance and request for oral argument are given to all parties and the court by 4:00 p.m., Monday, December 3, 2018. Notice of request for oral argument to the court must be made by calling (530) 584-3463. Requests for oral argument made by any other method will not be accepted. Prevailing parties are required to submit orders after hearing to the court within 10 court days of the scheduled hearing date, and after approval as to form by opposing counsel. Court reporters are not provided by the court. Parties may provide a court reporter at their own expense.